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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001320

SIPDIS

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TAGS: PGOV KDEM NP

SUBJECT: NEPAL: CONSTITUTION-DRAFTING INCHING TOWARD
STARTING LINE

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d).

Summary

¶1. (U) On December 15, the Constituent Assembly (CA) established 14 committees to examine thematic and procedural aspects of drafting a new constitution. The committees were to appoint chairpersons and plan their agendas by December ¶30. On December 29, the CA amended its rules of procedure and extended the committees' deadline to January 9.

Committees Formed

¶2. (U) On December 15, the Constituent Assembly (CA) formed 14 committees -- a Constitutional Committee (CC), 10 thematic and three procedural committees -- in order to expedite the constitution-drafting process. Each party nominated each of its CA members to sit on a specific committee. The committees held their first meetings on December 16 to devise a 15-day program during which they would elect chairpersons, identify working areas, and prepare work schedules and procedural regulations.

A Slow Start - Deadline Extended

¶3. (U) On December 29, the CA created a four-member team to amend the CA rules of procedure and revised its timeline to accommodate the failure of the political parties to appoint chairmen for the CA committees. The CA again extended the deadline to appoint committee heads from December 30 to January 9, 2009. (Note: The original CA calendar called for the committees to have been formed and chairs selected by December 15. The eldest member of each committee currently chairs the meetings. End note.) The CA also decided to expand the CC -- the committee tasked with actually drafting the document -- from 61 to 63 members. The expansion would boost the number of Muslims and independent CA members represented on the CC from zero to one each.

List of CA Committees

¶4. (U) The 14 CA committees, including the 10 thematic committees and three procedural committees, are as follows:

- Constitutional Committee (includes all the major political party leaders who are also CA members)

Thematic Committees

- Fundamental Rights and Directive Principles Committee
- Committee for the protection of the rights of minorities and marginalized communities
- Committee for restructuring the State and sharing of State power
- Committee for determining the structure of governance of State
- Committee on judiciary
- Committee for determining the structure of constitutional bodies
- Committee on natural resources, economic rights and sharing of revenues
- Committee for determining the structure of the legislative body
- Committee for determining the basis of cultural and social solidarity
- Committee for preserving national interests

Procedural Committees

- Civic Relations Committee
- Public opinion collection and coordination committee
- Capacity building and resources management committee

KATHMANDU 00001320 002 OF 002

Comment

¶5. (C) The successful formation by the political parties on December 15 of the 14 CA committees was a positive step forward for Nepal. However, the CA's repeated failure to meet its own deadlines does not bode well for the completion and promulgation of a new constitution by May 2010. Since mid-December, bickering and competing demands among the parties have resumed. In recent weeks, the Communist Party of Nepal - Maoist, the Communist Party of Nepal - United Marxist Leninist, and the Madhesi People's Rights Forum have each threatened to quit the government if the other parties ignored ultimatums. As of December 31, the Nepali Congress is in its seventh day of boycotting parliamentary proceedings because of the Prime Minister's failure to fulfill its demands. The escalation of daily load-shedding (electricity outages) to 13 hours is not the only thing darkening the capital. Nepalis are increasingly frustrated and pessimistic that a new Nepal will emerge under the current Maoist-led government.

POWELL